

## **REMARKS**

Favorable reconsideration and allowance of this application are requested.

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the August 1, 2008 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

### **1. Discussion of Amendments**

By way of the amendment instructions above, claims 1 and 2 have been revised so as to emphasize that the claimed methods "consist of" the recited steps. In addition, claims 1 and 2 have been revised so as to clarify that the kneaded mixture essentially contains the recited components. Therefore, upon entry of the amendment instructions above, amended versions of claims 1-3, 5-7, 10, 13, 16 and 17 will remain pending herein for consideration.

### **2. Response to 35 USC §102(b) Rejection**

Claims 1-3, 5-7 and 17 attracted a rejection under 35 USC §102(b) as allegedly being anticipated by Tanaglia (EP 1013673). Applicants note however, that Comparative Example 5 of Tanaglia requires a step whereby the product is left to plastify and then the rotor rate is suddenly increased. (See paragraph [0034] in Tanaglia.) Unlike Tanaglia, the amended version of independent claim 2 specifically excludes such steps. As such, Tanaglia cannot anticipate the present invention under 35 USC §102(b).

### **3. Response to 35 USC §103(a) Rejection**

#### **A. Rejection Based on Medalia et al**

All prior pending claims also attracted a rejection under 35 USC §103(a) as allegedly being “obvious” and hence unpatentable over Medalia et al (USP 3,105,507). Applicants respectfully disagree.

In this regard, applicants note that Medalia requires mixing a copolymer and a substantial amount of carbon black. (See column 1, lines 15-21 and lines 55-59; Examples 1-4 and claim 6). Thus, according to Medalia, the heated mixture *necessarily* contains carbon black. As such, carbon black is an essential component to the Medalia process. Unlike Medalia however independent claims 1 and 2 herein do not require carbon black. Thus for at least this reason, Medalia cannot render obvious the presently claimed invention.

#### **B. Rejection Based on Tanaglia**

Claims 1, 10, 13 and 15 attracted a rejection under 35 USC §103(a) based on Tanaglia. In this regard, the comments above in section 2 are equally germane to the issue of *unobviousness* over Tanaglia. Specifically, an ordinarily skilled person would not be lead to the presently claimed process wherein the steps required by Tanaglia – i.e., a step whereby the product is left to plastify and then the rotor rate is suddenly increased – are excluded. As such, withdrawal of the rejection advanced under 35 USC §103(a) based on Tanaglia is also in order.

### **4. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed

**WATANABE et al**  
**Serial No. 10/538,869**  
December 1, 2008

herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:                     /Bryan H. Davidson/                      
Bryan H. Davidson  
Reg. No. 30,251

BHD:dlb  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100